

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Philip Scott Steele,)	Case No 6:24-cv-00180-DCC-BM
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Alicia Sherry Aiken,)	
)	
Defendant.)	
_____)	

This matter is before the Court on Plaintiff's motion to proceed in forma pauperis. ECF No. 2. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin¹ for pre-trial proceedings and a Report and Recommendation ("Report"). On January 18, 2024, the Magistrate Judge issued a Report recommending that the motion for leave to proceed in forma pauperis be denied and that Plaintiff be directed to pay the full filing fee within 21 days. ECF No. 7. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has not filed objections to the Report.²

¹ Judge Austin issued the Report presently before the Court. She is now a United States District Court Judge, and this action is currently referred to United States Magistrate Judge Bristow Marchant.

² Plaintiff has filed two documents indicating he intends to pay the filing fee. ECF Nos. 13, 19. The Court finds that, liberally construed, these filings cannot be considered objections to the Report. Plaintiff also filed a document stating that he had not received all mailings from the Court. ECF No. 24. The documents listed by Plaintiff were not Court

APPLICABLE LAW AND ANALYSIS

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

Upon consideration of the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court agrees with the recommendation of the Magistrate Judge. A review of Plaintiff’s motion for leave to proceed in forma pauperis reveals he has sufficient funds to pay the full filing fee.

Accordingly, the Court adopts the recommendation of the Magistrate Judge. Plaintiff’s motion to proceed in forma pauperis [2] is **DENIED**. Plaintiff is **DIRECTED** to

orders that should have been mailed to him. Upon review of the document numbers he states he does not have, it does not appear that he is missing any mailings from the Court.

pay the full filing fee \$405³ within 21 days of the date of this Order.⁴ If Plaintiff chooses not to pay the filing fee by that time, this matter shall be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

April 26, 2024
Spartanburg, South Carolina

³ Effective May 1, 2013, an administrative fee of \$50 was added to the filing fee of \$350. In December 2023, the administrative filing fee increased to \$55.

⁴ Any check for the filing fee should be made payable to “Clerk, U.S. District Court.”